

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 17, 2001

D035414 Fletcher Hills Highlands Association v. McAbee et al.

D035876 Fletcher Hills Highlands Association v. McAbee et al.

(Consolidated) The judgment is reversed and the cause use is remanded for further proceedings on Fletcher Hill's claim. Appellants shall recover their costs on appeal.

D037915 People v. Bivens

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D038595 Azure Investors, L.L.C. v. Johnb Corporation

The appellant having failed to timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 1(c) and 19(a).)

D038681 McWilliams v. Superior Court of San Diego County/Golding et al.

The petition is denied.

D038731 Olmsted v. Superior Court of San Diego County/Borrelli

The petition is denied.

D035514 People v. Mahdi

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D038712 People v. Gibbs

The appeal is dismissed without prejudice, as the notice of appeal is premature. The notice should be filed after sentence is imposed.

D038734 Kattoula v. Alcoholic Beverage Control Appeal Board et al.

The petition is denied.

D036078 People v. Lozano

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D038288 Marsha R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D037986 In re T.R., a Juvenile

Judgment affirmed. Benke, Acting P.J.; We Concur: Nares, J.; McIntyre, J.

D038565 Corral Cleaners Inc. v. Superior Court of Imperial County/Uribe

The petition is denied.

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September 18, 2001

D037144 People v. Evans,

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D036960 People v. Rinaldi

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D035844 People v. Taylor

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D037545 Sunset Moving & Storage Corporation v. Amato/Far West Transportation Services, Inc., et al.

It is ordered that the opinion filed August 22, 2001, is modified. There is no change in judgment. The petition for rehearing is denied.

D036644 People v. McDowell

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D034871 People v. Naddi

Affirmed. Haller, J.; We Concur: Kremer, P.J., Benke, J.

D037576 People v. Williams

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D036312 McCarthy et al. v. Summers

The order is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D037515 Robles et al. v. Superior Court of Imperial County/The State of California Department of Transportation

The petition for writ of mandate is granted as to the Bermudezes and denied as to Robles. Let a writ of mandate issue directing the superior court to vacate its order granting Caltrans' motion for summary judgment as against the claims asserted by the Bermudezes. The Bermudezes are entitled to recover their costs; the remaining parties are to bear their own costs. McIntyre, J.; We Concur: Kremer, P.J., Huffman, J.

D038331 City of Chula Vista et al. v. Energy Resources Conservation and Development Commission of the State of California/Ramco, Inc.

The petition is dismissed as moot.

D037188 People v. Vasquez

Judgment affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Haller, J.

D038678 People v. McJoseph

The appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 18, 2001 (Continued)

D038755 Torres v. Superior Court of San Diego County/People

The petition is denied.

D038585 Dunford v. Superior Court of San Diego County/People

The petition is denied.

**D038123 Juan S. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied. Haller, Acting P. J.; We Concur: McDonald, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 19, 2001

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre
Clerk: D. E. Moore

D035247 People v. Tran

Cause called on merits. Kristin A. Erickson, Esq. argued for appellant. Ginger R. Kelley, Esq. was present in oral argument for appellant, but did not argue. John Swan, Deputy Attorney General argued for respondent. Ms. Erickson replied. Cause submitted.

Court adjourned at 10:20 a.m.

D038498 Virginia A. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency

The attorney for petitioner Virginia A. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D038604 In re Austin on Habeas Corpus

The petition is denied.

D037470 People v. McDonald

Judgment affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J.

D036305 Jaskolski v. Wawanesa Mutual Insurance Company

The judgment is affirmed. Wawanesa is awarded its costs on appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

D037075 In re Leticia S., a Juvenile

The order is reversed. The juvenile court is directed to enter a new order denying Fredrick's de facto parent application. CERTIFIED FOR PUBLICATION. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D036262 People v. Vlahos

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D035607 Neely v. Weyerhaeuser Company

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
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DIVISION ONE

September 19, 2001 (Continued)

D038458 Nielsen Construction Company et al. v. American Tile and Brick Veneer, Inc.
The petition for rehearing is denied.

D037357 In re Venus L., a Juvenile
The judgment is affirmed. McIntyre, J.; We Concur: Kremer, J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 20, 2001

D036759 Maximo et al. v. Sohl et al.

The judgments are affirmed. The respondents are awarded costs on appeal. McDonald, J.;
We Concur: Kremer, P.J., Benke, J.

D038695 Rainshine Resources, Inc., et al. v. Borrego Springs Bank

The appeal is dismissed.

**D037752 Central Cabinet v. Superior Court of San Diego County/Davidson Coscan
Partners et al.**

Central Cabinet's petition for writ of mandate is granted. Let a writ of mandate issue directing respondent superior court to (1) vacate the March 26, 2001 minute order, which the court affirmed during the hearing on April 3, 2001; (2) reinstate the March 23, 2001 order, which granted without limitation Central Cabinet's section 170.6 challenge to Judge Midlam; and (3) appoint a new special master. This court's order issued April 16, 2001, prohibiting Judge Midlam from acting pursuant to this appointment as discovery referee and mediator shall remain in effect pending finality of this decision. Petitioner is awarded costs. Nares, J.; We Concur: Kremer, P.J., Benke, J.

D038463 Cepeda v. Scheidel, Jr.

Pursuant to California Rules of Court, rule 10(c), the appeal filed by appellant Patricia Cepeda on July 6, 2001, is dismissed for failure to timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rules 4(c) and 5(c).)

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 21, 2001

D038330 CP Kelco v. Superior Court of San Diego County/San Diego Gas & Electric Company

At the request of petitioner, the petition for writ of review is dismissed.

D038764 In re Singleton on Habeas Corpus

By order of September 12, 2001 in People v. Singleton, D037600, the court granted petitioner's motion to file a petition for writ of habeas corpus and to consider it at the same time as the above appeal. The petition for writ of habeas corpus, In re Singleton, was filed on September 18, 2001, and assigned the above number. The petition will be considered at the same time as the appeal, D037600.

D037360 People v. Moore

Appeal dismissed. Haller, J.; We Concur: Huffman, APJ., Nares, J.

D035608 People v. Aguirre

Defendant's convictions and sentences are affirmed, except that the sentences for counts 4, 5, and 8 are stayed under section 654 and the prison prior and firearm enhancements are dismissed. The trial court shall furnish a copy of the amended abstract of judgment to the Department of Corrections. Nares, J.; We Concur: Benke, Acting P.J., Huffman, J.

D035758 People v. Geraghty

Judgment affirmed. Haller, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D037577 People v. Tokar

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., Nares, J.

D035769 Rodriguez v. Ameriquet Mortgage Company

The judgment is affirmed. Costs on appeal are awarded to respondent. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D036693 People v. Jaramillo

The conviction is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D038754 Lowe et al. v. Superior Court of San Diego County/Alvarado Hospital Medical Center et al.

The petition is denied.

D038654 In re James on Habeas Corpus

The petition is denied without prejudice to refile after he has exhausted his administrative remedies.